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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISIONU.S. DISTRICT COURT
LEDA DIMPERIO, et al.

Plaintiff,

v.

CAPITAL ONE BANK,
EQUIFAX INFORMATION SERVICES, INC.,
TRANS UNION LLC;
Defendants.

Case No.

CV-10-TMP-0214-S

DEFENDANT TRANS UNION LLC'S NOTICE OF REMOVAL

COMES NOW, Trans Union LLC ("Trans Union"), and files this Notice of Removal pursuant to 28 U.S.C. §1446(d), and in support thereof would respectfully show the Court as follows:

A. PROCEDURAL BACKGROUND

1. On or about December 22, 2009, Plaintiff Leda Dimperio ("Plaintiff") filed a Complaint in this action in the Circuit Court of Jefferson County, Alabama, Case No. CV-2009-904116.00 ("State Court Action") alleging violations of the Fair Credit Reporting Act (15 U.S.C. § 1681, *et seq.*) and state law claims against Capital One Bank; Equifax Information Services, Inc., and Trans Union LLC, as well as malicious prosecution and abuse of process solely against Capital One Bank.

2. Defendant Trans Union LLC was served with the Complaint on December 30, 2009. Defendant Capital One was served with the Complaint on December 31, 2009. Defendant Equifax Information Services, Inc. was served with the Complaint on December 30, 2009. This Notice of Removal is being filed within the thirty (30) day time period required by 28 U.S.C. § 1446(b).

3. The time period for filing a responsive pleading in the State Court Action has not expired as of the filing of this Notice of Removal. No orders have been entered in the State Court Action as of the filling of this Notice of Removal.

B. GROUNDS FOR REMOVAL

4. The present suit is an action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331 and may be removed to this Court by Defendant, pursuant to the provisions of 28 U.S.C. § 1441(b), as it is a civil action founded on a claim or right arising under the laws of the United States. Removal is thus proper because Plaintiff's claims present a federal question, 28 U.S.C. § 1441(b). In the Complaint, Plaintiff seeks damages for Defendants' alleged violations of 15 U.S.C. § 1681, *et seq.*, the Fair Credit Reporting Act, defamation, invasion of privacy, and negligent, reckless, wanton, and/or intentional conduct, and malicious prosecution and abuse of process. Moreover, Plaintiff's state law claims may be adjudicated by this Court pursuant to 28 U.S.C. § 1367.

C. COMPLIANCE WITH PROCEDURAL REQUIREMENTS

5. Pursuant to 28 U.S.C. § 1446(b), this Notice is being filed with this Court within thirty (30) days after the Defendant Trans Union, the defendant first served with the Complaint, received a copy of Plaintiff's initial pleading setting forth the claims for relief upon which Plaintiff's action is based.

6. Pursuant to 28 U.S.C. § 1441(a), venue of the removal action is proper in this Court because it is in the district and division embracing the place where the state court action is pending.

7. Promptly after the filing of this Notice of Removal, Trans Union shall give written notice of the removal to the Plaintiff and will file a copy of this Notice of Removal

with the Circuit Court of Jefferson County, Alabama, as required by 28 U.S.C. § 1446(d).

8. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon the Defendant Trans Union in the State Court Action is attached hereto as **Exhibit "A"**.

9. Trial has not commenced in the Circuit Court of Jefferson County, Alabama.

10. All Defendants that have been served upon the date of filing of this Notice of Removal consent to the removal of this case. Consents and Joinders in the Removal from Capital One Bank, and Equifax Information Services, Inc. are attached hereto as **Exhibit "B"**.

WHEREFORE, Trans Union LLC respectfully prays that the action be removed to this Court and that this Court assume full jurisdiction as if it had been originally filed here.

Respectfully submitted,



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CERTIFICATE OF SERVICE

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